

NOV 17 2005

REMARKS

Reconsideration is requested.

In the Office Action, claims 19, 20 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 6,223,420) in view of newly-cited Gill (US 6,788,502). Claims 23-26 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form.

Applicants request withdrawal of the obviousness rejection based on the provisions of 35 U.S.C. 103(c), which provide that patentability is not precluded if one of the applied references (1) qualifies as prior art only under one or more of subsections (e), (f) or (g) of section 102, and (2) the reference subject matter and the claimed invention were, as of the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Both conditions are met in this case relative to the newly-cited Gill reference. The present application has an effective filing date of August 2, 2001, the filing date of its parent application, serial no. 09/922,446. The Gill reference has an issue date of September 7, 2004, which disqualifies it under subsections (a) and (b) of section 102. The Gill reference can only be prior art under subsection 102(e) based on its filing date of September 2, 1999. The assignee listed on the cover page of the Gill reference is International Business Machines Corporation. This is the same entity to which the present application is assigned, based on the assignment recorded on August 2, 2001 at Reel/Frame number 012080/0571. The recorded assignment was executed by Applicants on July 17, 2001 and July 23, 2001, respectively, prior to the effective filing date of the subject application. Thus, the subject matter of Gill and the claimed invention were commonly assigned as of the effective filing date of the present application.

Accordingly, it is believed that the rejection have been overcome. Notices of Allowance and allowability are therefore requested.

Respectfully submitted,



Walter W. Duft
Attorney for Applicant
Registration No. 31,948

8616 Main Street, Suite 2
Williamsville, New York 14221
Telephone: (716) 633-1930
Facsimile: (716) 633-1932